

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)(SN)
ECF Case

This document relates to:

Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN) (and member case
Burlingame v. Bin Laden, et al., 02-cv-7230 (GBD)(SN))

Ashton, et al. v. Kingdom of Saudi Arabia, 17-cv-02003 (GBN)(SN)
Dickey v. Republic of Iran, et al., 18-CV-11417 (UA)

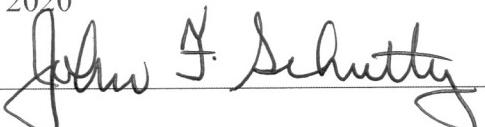
CERTIFICATE OF SERVICE OF DEFAULT JUDGMENTS

I, John F. Schutty, Esq., declare under penalty of perjury, as provided for by 28 U.S.C. § 1746, that the following statements are true and correct:

I certify that I caused two default judgments to be served on the Islamic Republic of Iran ("Iran") on February 19, 2020, by delivery to the Clerk of the U.S. District Court for the Southern District of New York, pursuant to the Foreign Sovereign Immunities Act, of such judgments, notices of judgments, and other documents set forth in the transmittal letter, a copy of which is annexed hereto, for submission to the U.S. Department of State, along with the requisite service fee, for delivery to the Foreign Minister of Iran via diplomatic means.

Dated: February 19, 2020

Name (Signature):



Name (Print): _____

John F. Schutty, Esq.

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February 19, 2020

Via Hand Delivery

Clerk of the Court, Ruby J. Krajick
United States District Court Judge
Southern District of New York
Office of the Clerk
500 Pearl Street
New York, New York 10007

Re: *In re Terrorist Attacks on September 11, 2001*, MDL No. 03-MDL-1570 (GBD) (SN)
Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN) (and member
case *Burlingame v. Bin Laden, et al.*, 02-cv-7230 (GBD)(SN))
Ashton, et al. v. Kingdom of Saudi Arabia, 17-cv-02003 (GBN)(SN)
Dickey v. Republic of Iran, et al., 18-CV-11417 (UA)

Dear Clerk of the Court, Ruby J. Krajick;

I represent the certain Plaintiffs in the above-referenced actions.

I am writing to request you effect service of two Partial Final Judgments, dated December 23, 2019, MDL ECF Nos. 5394 and 5397, on the Defendant, Islamic Republic of Iran, pursuant to 28 U.S.C. §1608(a)(4), at the following address:

Minister of Foreign Affairs
Ministry of Foreign Affairs of the Islamic
Republic of Iran Iman Khomeini Avenue
Tehran, Iran
ATTN: H.E. Mohammad Javad Zarif

Service on Iran cannot be effected under 28 U.S.C. Sections 1608(a)(1) and (2) because the United States and Iran do not have any special arrangement for service of process upon Iran in accordance with sub-section (1), nor is service permitted by any applicable international convention under the provisions of sub-section (2).¹ See *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 70 (D.D.C. 2010). As you are aware, service by mail pursuant to 28 U.S.C. § 1608(a)(3) cannot be effected as demonstrated by the fact that service of original process by mail in the initial phase of the action was not effective and such futile efforts need not be repeated here.

¹ Iran is not a signatory to the convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

On December 6, 2018, Plaintiffs served the complaint on Defendant pursuant to 28 U.S.C. § 1608(a)(4). Defendant failed to file an answer or responsive pleading within 60 days from the date that service was effectuated and two Partial Final Judgments were entered on December 23, 2020.

Pursuant to 28 U.S.C. § 1608(e), and 22 CFR § 93.2, Plaintiffs now request that Defendant Iran be served with the two Judgments pursuant to 28 U.S.C. § 1608(a)(4) by first sending the enclosed documents to the following address, which will arrange for diplomatic service:

U.S. Department of State
SA-29, 4th Floor, 2201 C Street NW
Washington, DC 20520
Attn: Secretary of State, Director of Consular Services, Office of Policy
Review and Inter-Agency Liaison (CA/OCS/PRI)

Enclosed please find copies of the following documents, in English and Farsi:

- a. Notice of Default Judgment prepared in accordance with 22 CFR § 93.2;
- b. Certified Copy of Order of Supplemental, Partial Final Judgment, dated January 7, 2020;
- c. Certified Copy of Order of Supplemental, Partial Final Judgment dated January 7, 2020;
- d. A copy of 28 U.S.C. 1330, 28 U.S.C. 1391, 28. U.S.C. 1441, and the Foreign Sovereign Immunities Act (28 U.S.C. 1602, et seq.); and
- e. Certification of accuracy of Farsi translations by translator.

In total, we are providing three complete sets of the documents, in both English and Farsi. In accordance with pages 12-13 of the Court's "Foreign Mailing Instructions" we are providing two sets for service on the Defendant and a set of documents for the Court's file.

We have also enclosed pre-paid FedEx label and envelope for delivery to the Department of State. Please note that our firm FedEx account number is 8510-5792-7.

Finally, we also enclose a cashier's check in the amount of \$2,275.00 made payable to "U.S. Embassy Bern."

Should you have any questions or require any additional information please do not hesitate to contact me.

Regards

John F. Schutty, Esq.